

APR 24 2006

Telephone: (203) 461.7000
Facsimile: (203) 461.7300**Walker Digital
Management, LLC**

Fax

To:	Central Facsimile - USPTO	From:	Veronika S. Leliever
OFFICE OF PETITIONS		Senior Patent Paralegal	
Fax:	571.273.8300	Pages:	34
Phone:	703.308.1202	Date:	April 24, 2006
Re:	99-086	Phone:	203.461.7035

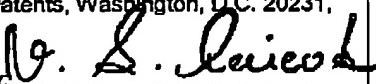
X Urgent X For Review Please Comment Please Reply Please Recycle

• **Comments:****PETITION FOR REVIVAL OF AN APPLICATION FOR
PATENT ABANDONED UNINTENTIONALLY**

**Re: Patent Application Serial No.: 09/536791
Attorney Docket No.: 99-086
Titled: "METHOD AND APPARATUS FOR CONDITIONAL PAYMENT"**

CERTIFICATE OF TRANSMISSION BY
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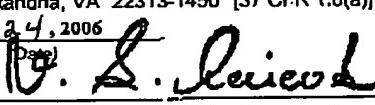
I hereby certify that this correspondence is Facsimile
Transmitted (fax no. 571.273.8300) to the:
Commissioner for Patents, Washington, D.C. 20231,
on April 24, 2006.

Dated: 4.24.2006 By: 
Veronika S. Leliever

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RECEIVED
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TRANSMITTAL LETTER (General - Patent Pending)		APR 24 2006	Docket No. 99-086		
<p>In Re Application Of: VAN LUCHENE ET AL.</p>					
Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/536791	March 28, 2000	Lalita Hamilton	22927	3624	5835
<p>Title: METHOD AND APPARATUS FOR CONDITIONAL PAYMENT TO A SELLER</p>					
<p><u>COMMISSIONER FOR PATENTS:</u></p>					
<p>Transmitted herewith is:</p> <p>Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.37(b), 3 pp. (x2); Petition for Revival of an Application for Patent Abandoned Unintentionally, Applicants' Remarks, 2 pp.; Notification of Loss of Entitlement of Small Entity Status, 1 pg.; Amendment & Response to O.A. pp.; Exhibit "A", List of Actions - 1 pg.</p>					
<p>In the above identified application.</p> <p><input type="checkbox"/> No additional fee is required.</p> <p><input type="checkbox"/> A check in the amount of _____ is attached.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 500271 as described below.</p> <p><input checked="" type="checkbox"/> Charge the amount of \$1,500.00</p> <p><input checked="" type="checkbox"/> Credit any overpayment.</p> <p><input checked="" type="checkbox"/> Charge any additional fee required.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>					
 <i>Michael D. Downs</i> <small>Signature</small>			<p>Dated: April 24, 2006</p>		
<p>Michael D. Downs Attorney for Applicants PTO Registration No. 50,252 Walker Digital, LLC 203.461.7292/phone 203.461.7018/fax</p> <p>Mdowns@walkerdigital.com</p>			<p>I hereby certify that this correspondence is being sent by fax to 571-273-8300 addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on April 24, 2006</p> <p> <i>V. S. Leliever</i> <small>Signature of Person Mailing Correspondence</small></p> <p>Veronika S. Leliever</p> <p><small>Typed or Printed Name of Person Mailing Correspondence</small></p>		
<p>cc:</p>					

Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Large Entity)

Docket No.
99-086

In Re Application Of: VAN LUCHENE ET AL.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/536791	March 28, 2000	Lalita M. Hamilton	22927	3624	5835

Invention:

METHOD AND APPARATUS FOR CONDITIONAL PAYMENT TO A SELLER

Attention: Office of Petitions
Mail Stop Petition
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. A proposed reply to the above-identified notice or action:

is enclosed. was filed on _____

The proposed reply is in the form of: _____

2. The issue fee:

is enclosed. was paid on _____

3. The abandoned application was a:

design application. utility application. plant application.

4. A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

5. Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

APR 24 2006

TRANSMITTAL LETTER
(General - Patent Pending)Docket No.
99-086

In Re Application Of: VAN LUCHENE ET AL..

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/536791	March 28, 2000	Lalita Hamilton	22927	3624	5835

Title:

METHOD AND APPARATUS FOR CONDITIONAL PAYMENT TO A SELLERCOMMISSIONER FOR PATENTS:

Transmitted herewith is:

Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.37(b), 3 pp. (x2);
 Petition for Revival of an Application for Patent Abandoned Unintentionally, Applicants' Remarks, 2 pp.;
 Notification of Loss of Entitlement of Small Entity Status, 1 pg.;
 Amendment & Response to O.A. pp.;
 Exhibit "A", List of Actions - 1 pg -

in the above identified application.

- No additional fee is required.
- A check in the amount of _____ is attached.
- The Director is hereby authorized to charge and credit Deposit Account No. 500271 as described below.
 - Charge the amount of \$1,500.00
 - Credit any overpayment.
 - Charge any additional fee required.
- Payment by credit card. Form PTO-2038 is attached.
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



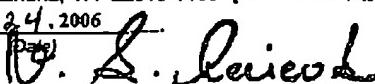
Signature

Dated: April 24, 2006

Michael D. Downs
 Attorney for Applicants
 PTO Registration No. 50,252
 Walker Digital, LLC
 203.461.7292/phone
 203.461.7018/fax

Mdowns@walkerdigital.com

cc:

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April 24, 2006

Signature of Person Mailing Correspondence
Veronika S. Leliever
Typed or Printed Name of Person Mailing Correspondence

Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Large Entity)

Docket No.
99-086

In Re Application Of: VAN LUCHENE ET AL.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/536791	March 28, 2000	Lalita M. Hamilton	22927	3624	5835

Invention:
METHOD AND APPARATUS FOR CONDITIONAL PAYMENT TO A SELLER

Calculation and Payment of Fees

Enclosed are the following fees:

6. Petition fee under 37 CFR 1.17(m) in the amount of: \$1,500.00
7. Fee for reply in the amount of: _____
8. Issue fee in the amount of: _____
9. Continuing application filing fee in the amount of: _____
10. Terminal disclaimer fee in the amount of: _____
11. _____

Total fees enclosed: \$1,500.00

The fee of \$1,500 is to be paid as follows:

- A check in the amount of the fee is enclosed.
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Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Large Entity)	Docket No. 99-086
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In Re Application Of: VAN LUCHENE ET AL.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/536791	March 28, 2000	Lalita M. Hamilton	22927	3624	5835

Invention:

METHOD AND APPARATUS FOR CONDITIONAL PAYMENT TO A SELLER**Statement**

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), Subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioner/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

Dated: April 24, 2006

Michael D. Downs
Attorney for Applicants
PTO Registration No. 50,252
Walker Digital, LLC
203.461.7292/phone
203.461.7018/fax

Mdowns@walkerdigital.com

cc:

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April 24, 2006

(CJC)

Signature of Person Mailing Correspondence

Veronika S. Leliever

Typed or Printed Name of Person Mailing Correspondence

Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Large Entity)

Docket No.
99-086

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Unintentionally Under 37 CFR 1.137(b) (Large Entity)

Docket No.
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Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
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Signature

Dated: April 24, 2006

Michael D. Downs
Attorney for Applicants
PTO Registration No. 50,252
Walker Digital, LLC
203.461.7292/phone
203.461.7018/fax

Mdowns@walkerdigital.com

cc:

I hereby certify that this correspondence is being sent by fax to 571.273-8300 addressed to "Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

April 24, 2006

(Initials)


Signature of Person Mailing Correspondence

Veronika S. Leliever

Typed or Printed Name of Person Mailing Correspondence

APR 24 2006

PATENT

Application No. 09/356791
Attorney Docket No.: 99-086

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CUSTOMER NO. 22927

Applicants: VAN LUCHENE et al.
 Application No.: 09/536791
 Filed: March 28, 2000
 Title: **METHOD AND APPARATUS FOR CONDITIONAL PAYMENT TO A SELLER**

Attorney Docket No. 99-086
 Group Art Unit: 3624
 Examiner: Lalita M. Hamilton

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) (Large Entity)
Remarks by Applicants

Dear Sir:

Through a review of the above-referenced case, it has come to Applicants' attention that the time limitation allowed by the USPTO to respond to the Notice of Informal or Non-Responsive Amendment mailed on May 24, 2005 has lapsed without a timely response having been filed.

The error stemmed from Applicants' reliance on CPI, a patent management software system that is used for docketing actions. Applicants rely on accurate descriptions of what type of action is necessary and also rely on accurate final due dates and reminders for extension of time. In this instance, a new employee improperly entered the wrong type of action - it should have been "Due Date - Election".

The new employee also failed to specify extension times and an eventual final due date - 1st extension, 2nd Extension, 3rd Extension, 4th Extension, Final Deadline instead of a generic "Action Due". (please see Exhibit "A" enclosed). The software system will be updated manually from now on in order to provide the above-mentioned dates for all similar future activities.

PATENT

Application No. 09/356791
Attorney Docket No.: 99-086

Please find enclosed a Response to the Office Action of May 24, 2005. Applicants respectfully request that the Response be reviewed and accepted to enable continuation of prosecution.

If the Examiner has any questions, the Examiner is invited to contact the undersigned at (203) 461.7292. Please charge any fees that may be required for this paper, or with any other papers filed in connection with this application to Deposit Account No. 50-0271. A duplicate copy of this sheet is enclosed for such purpose.

Respectfully submitted,

April 24 2006
Date

Michael Downs
Michael D. Downs
Attorney for Applicants
PTO Registration No. 50,252
Walker Digital, LLC
203.461.7292/phone
203.461.7018/fax
Mdowns@walkerdigital.com